

Serial No. 10/053,667

Attorney Docket No. 11-078

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CENTRAL FAX CENTER****APR 21 2008****REMARKS**

Claims 18-27 are pending. Claims 1-17 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 19 and 25 were rejected under 35 USC 112, second paragraph, as being indefinite. The office action states that the recitation of the setting means is indefinite. Claims 19 and 25 have been reworded. Claim 19 now recites means for designating the unused content as refused content, which the user is prohibited from using after the determining means has determined that the user accepted the refund payment for the unused content. This wording is considered to be fully definite, and this rejection should be withdrawn.

Similarly, claim 25 now recites the step of designating the unused content as refused content, which the user is prohibited from using if it is determined that the user has accepted the refund payment for the unused content. This wording is fully definite, and the rejection of claim 25 under section 112 should be withdrawn.

Claims 21 and 27 were rejected under 35 USC 112, second paragraph, as being indefinite. The office action states that the phrase "the road map is divided into a plurality of zones, which correspond to the parts" is indefinite. Claims 21 and 27 have been reworded to clarify this limitation. Claim 21 now recites that the map corresponds to an area, and the map is divided into a plurality of zone maps, which correspond to a plurality of zones within the area. The information package includes a plurality of the zone maps. This wording is considered to be definite, and the rejection of claim 21 under section 112 should be withdrawn.

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Similarly, claim 27 now recites that the road map corresponds to an area, and the road map is divided into a plurality of zone maps, which correspond to a plurality of zones within the area. Therefore, the rejection of claim 27 under section 112 should be withdrawn.

Claims 18, 24, and 26 were rejected under 35 USC 102(b) as being anticipated by Torii *et al.* (US 5,761,308). The applicant respectfully requests that this rejection be withdrawn for the following reasons.

As a result of the present invention, it is not necessary for an information vendor to monitor whether an information package has been installed in the user's device, and a user can start to use the information package without communicating with the information vendor if the user bought the information package. Further, after the user has started to use the information package, if a part or parts of the information package are unused, the user can accept a refund payment for the unused information. In addition, the information package is provided from the information vendor to the user in an unencrypted form. That is, the information package is allowed to be used by the user without deciphering or decoding the information package.

Torii *et al.* (USP 5,761,308) disclose a software distribution system that includes a user terminal and a center. In the software distribution system of Torii *et al.*, before a user starts to use software supplied from the center, the user of the user terminal must perform the following procedures: accept the software supplied from the center in an encrypted form; pay for the software, if the user desires to use the software, without the possibility of a refund for unused parts of the software; receive decrypting information that is necessary to install the software in the user's terminal from the center; and decrypt the software using the deciphering information.

The center monitors the installation state of the software. If the software, which was supplied to the user in the encrypted form has been unencrypted, the center rejects any refund

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request from the user terminal. In other words, in the software distribution system of Torii *et al.*, if the software is installed in the user terminal using the deciphering information received from the center after the user has paid for the software, the user cannot obtain a refund for the software.

In contrast to the system of Torii *et al.*, in the present invention it is not necessary for the vendor to monitor whether or not the software is installed. Also, no encryption is required. That is, the user does not need to decrypt the software in order to use the software.

Further, in the claimed method, the information package includes a plurality of contents. The unused content is identified to make a refund to the user for the unused content. This feature is not disclosed or suggested by the Torii *et al.* reference. That is, the reference to Torii *et al.* fails to disclose the claimed identifying means for identifying unused content that has never been used by the user among the plurality of the contents and fails to disclose or suggest the claimed refunding means for processing a refund payment to the user for the unused content.

Claims 19 and 20 were rejected under 35 USC 102(b) as being anticipated by Torii *et al.* and official notice. Claims 19 and 20 depend, directly or indirectly, on claim 18. Therefore, claims 19 and 20 are considered to be patentable at least for the reasons given above with respect to claim 18.

Claims 21 and 22 were rejected under 35 USC 102(b) as being anticipated by Torii *et al.* and the background section of the application. Claims 21 and 22 depend, directly or indirectly, on claim 18. Therefore, claims 21 and 22 are considered to be patentable at least for the reasons given above with respect to claim 18.

Claims 23, 25, and 27 were rejected under 35 USC 102(b) as being anticipated by Torii *et al.* and the background section of the application and official notice. Claims 23, 25, and 27

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depend, directly or indirectly, on claim 18. Therefore, claims 23, 25, and 27 are considered to be patentable at least for the reasons given above with respect to claim 18.

Entry of this amendment is respectfully requested because the amendment is considered to place the application in condition for allowance.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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